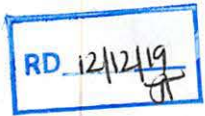


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.



★ DEC 12 2019 ★

-----X  
MARY WEST and JENIE LEE MARIANA, *on*  
*behalf of themselves and others similarly situated,*

Plaintiffs,

v.

METROPOLITAN TRANSPORTATION  
AUTHORITY, NEW YORK CITY TRANSIT  
AUTHORITY, and LONG ISLAND RAIL ROAD  
COMPANY d/b/a MTA LONG ISLAND RAIL  
ROAD COMPANY,

Defendants.  
-----X

**DECISION & ORDER**  
18-CV-1743 (WFK)(RML)

**WILLIAM F. KUNTZ, II, United States District Judge:**

Plaintiffs Mary West and Jenie Lee Mariana bring this putative class action against Defendants Metropolitan Transportation Authority ("MTA"), New York City Transit Authority ("NYCTA"), and Long Island Rail Road Company (hereinafter collectively "Defendants") asserting five causes of action: Count One sounds in negligence (Am. Compl. ¶¶ 103-105); Count Two is brought under the Americans With Disabilities Act, 42 U.S.C. Ch. 126 § 12101 *et seq.* (*id.* ¶¶ 106-119); Count Three is brought under the Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.* (*id.* ¶¶ 120-125); Count Four is brought under the New York City Human Rights Law, N.Y.C. Admin. Code § 8-101 *et seq.* (*id.* ¶¶ 126-134); and Count Five is brought under the New York State Human Rights Law, N.Y. Exec. Law § 292 *et seq.* (*id.* ¶¶ 135-150). Before the Court is Defendants' motion to dismiss the Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). This Court has jurisdiction of Plaintiffs' federal claims pursuant to 28 U.S.C. § 1331 and may exercise supplemental jurisdiction of Plaintiffs' state and local law claims pursuant to 28 U.S.C. § 1367. Plaintiffs further contend exercise of jurisdiction

over the remaining claims is authorized under the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d).

Upon careful and thorough review of all parties' submissions and arguments, Defendants' motion is GRANTED in its entirety. Plaintiffs' claims under the Americans with Disabilities Act and the Rehabilitation Act are dismissed. To the extent Plaintiff asserts state and city law claims, the Court finds no basis for exercising CAFA jurisdiction and declines, pursuant to 28 U.S.C. § 1367(c), to exercise supplemental jurisdiction of those claims, which are therefore also dismissed. The Clerk of Court is respectfully directed to terminate the pending motion at ECF No. 28 and to close this case.

A Memorandum & Decision will issue.

**SO ORDERED.**

Dated: December 12, 2019  
Brooklyn, New York

s/WFK  
HON. WILLIAM F. KUNTZ, II  
UNITED STATES DISTRICT JUDGE